

Emails Dropped Off With Me By Vic Forte Gary Moore to: Jamie Bradsher, James Turner

05/07/2009 11:40 AM

Please see attached.

Gary Moore
EPA Region 6
Response and Prevention Branch
214-665-6609
moore.gary@epa.gov
----- Forwarded by Gary Moore/R6/USEPA/US on 05/07/2009 11:37 AM -----



Attached Image

Norphlet Chemical to: EVA GREEN, Gary Moore

05/07/2009 11:31 AM



000090

Vic Forte

From: Sent:

To:

Vic Forte [vrforte@norphletchem.com]
Thursday, October 02, 2008 12:49 PM
Nelson Abell (nelsonabell@comcast.net); Billy Spector (williams@phxequip.com); Brian
Brooks; David Henry (dhnorphlet@gmail.com); Evert Talbot; Jesse Spector
(jesses@phxequip.com); Jim Crotty (conorphlet@lycos.com), Lindy Long
(longbros@seark.net); Robert James; Scott Reed (scottreed@centurytel.net); W. L. Cook

(wlcook@cookcpa.com)

Subject:

FW: Attached Image

1663_001.pdf Attachments:

Gentlemen, Thanks again

Vic

From: Norphlet Chemical [mailto:admin@norphletchem.com]

Sent: Thursday, October 02, 2008 11:44 AM

To: Vic Forte

Subject: Attached Image

Victor R. Forte

(b) (6)

El Dorado, Arkansas 71730

October 2, 2008

Norphlet Chemical, Inc. Board of Directors/Executive Committee Norphlet Chemical, Inc. 600 Macmillan Drive P O Box 100 Norphlet, Arkansas 71759

Gentlemen:

Circumstances require that I resign my position as Vice President Operations, effective October 31 2008. It is with great regret that I leave Norphlet Chemical, Inc. (Norphlet) after almost three years of service. I appreciate the opportunity to work for Norphlet and I have also enjoyed working with the company's professional staff. I will miss my colleagues, as they have become my good friends.

I sincerely hope that Norphlet obtains the necessary funding to maintain professional staff and management in the future.

Due to the nature of the chemical business Norphlet is engaged in, it is necessary to confirm again to the Board of Directors and the Executive Committee, the environmental, health, and safety issues at Norphlet. Some of these are discussed below.

- I urge the Board of Directors and the Executive Committee of Norphlet to confirm or determine as necessary, the contents of each tank and container at the facility. As you know, this task was begun but is not yet complete. The verification of tank and container contents is important to determine content compatibility. Care should also be made in assessing the compatibility of pumps, valves, piping, seals, instrumentation, etc. with their respective construction of materials and contents. This is important, in that Norphlet has had pump failures because of this incompatibility issue. I am confident that even with my departure, the Board of Directors along with the Executive Committee will appoint someone to continue to make these important determinations.
- Following the tank/container verification, environmental regulations require that any
 material not usable (i.e. waste) be disposed. If the contents are hazardous, then they
 must be disposed of in accordance with hazardous waste laws and regulations.
 Therefore, I also urge the Board of Directors and the Executive Committee to determine

Resignation Letter Victor R. Forte Page two

if any tank/container contains waste, and dispose of any waste in accordance with state and federal environmental regulations.

Norphlet has several environmental permits and ongoing compliance issues with the ADEQ, EPA, Homeland Security, DOT, and ADEM. Since I am resigning, the Board of Directors and the Executive Committee should appoint new contacts for the permits and submittals. It is my understanding that some of these submittals are required no matter what financial condition the company is in. I recommend contacting an environmental attorney for council on these matters.

In addition, I have recently received a memo from James Felton (former Norphlet Environmental Health and Safety Manager). His memo outlines in more detail the Environmental Health and Safety requirements and issues of the facility. He has been very helpful with the Environmental Health and Safety compliance at Norphlet, and has a good long-term relationship with the regulatory agencies. I can supply you with a copy of his memo at your request. You may want to contact him directly regarding any environmental health and safety issues.

I will, of course, be contacting the regulatory agencies to inform them of my resignation as Vice President Operations at Norphlet.

I appreciate the opportunities given to me by Norphlet and wish success for all associated with the company.

Sincerely,

Victor R. Forte

Vic Forte

From:

Vic Forte [vrforte@norphletchem.com]

Sent:

Friday, October 03, 2008 3:22 PM

To:

Billy Spector (williams@phxequip.com); Don Dodson; Evert Talbot; Jesse Spector (jesses@phxequip.com); Jim Crotty; John Garrison; Lindy Long (longbros@seark.net);

Robert James; Scott Reed (scottreed@centurytel.net); W. L. Cook

Cc: Subject: Brian Brooks; David W. Henry; David Nevala; Chuck Cathey

Attachments:

FW: Attached Image 1665 001.pdf

Gentlemen,

Attached is a letter from James Felton, our former Environmental Specialist, that lists the reports that have been filed with various regulatory agencies on behalf of Norphlet Chemical to date this year and those remaining to be filed before year end. James was an employee of NCI that was laid off in January 2008 and has work for us as consultant until two weeks ago, when his services were terminated by me at the direction of Evert Talbot. I strongly recommend that we keep him as a consultant until the state has taken possession of the property. His knowledge of the state and federal environmental regulatory agencies will prove to be most valuable during this transition. I have also enclosed his last three outstanding invoices. I am simply trying to keep you informed as to what has already been filed and what still needs to be filed. If you have any questions, please call or email.

From: Norphlet Chemical [mailto:admin@norphletchem.com]

Sent: Friday, October 03, 2008 11:57 AM

To: Vic Forte

Subject: Attached Image

Memo

To: Vic Forte, VP Operations

Norphlet Chemical, Inc.

From: James Felton, President

Felton Environmental Services, Inc.

Re: Safety and Environmental Issues

Date: September 25, 2008

This memo is written in response to your phone call of September 23, 2008 in which you said to stop any work that Felton Environmental Services, Inc. is providing for Norphlet Chemical Inc. Due to this, I am sending you this memo to assist you in maintaining compliance with applicable regulations. I have included attachments with information regarding regulatory submittals and issues. The attachments do not list all of the requirements to maintain compliance so you will want to research them yourself. Another source would be Ray Hahn with Jones Hamilton. He has been helpful and knowledgeable. Please look over the attachments and feel free to call me anytime. As we have talked, I know that you are aware that there are environmental and safety issues, reports, and deadlines in the near future. These include submittals to ADEQ, EPA, Homeland Security, DOT, and ADEM. Please Call the Department of Homeland Security as they can assist you in transferring contact and submittal responsibilities to you. They can be reached at 866-323-2957. The Security Vulnerability Analysis is due by December. You may want to contact all of the other regulatory agencies and provide status reports to them. I hope that Norphlet Chemical, Inc. does prosper and maintains regulatory compliance. If there is anything that I can do for you in the future please call.

Annual EHS&S Requirements Norphlet Plant

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Donuiromont	Danmanaihla	Commission hu	Submit to
Requirement	Responsible	Complete by	Junillitio
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Storm Water								
Annual monitoring		July 25	ADEQ					
Annual Comprehensive Site Compliance Evaluation		December 31	File					
Annual Training		December 31	File					
Periodic Visual Site Inspections	:	As prescribed in SWPPP	File					
Annual Fee	The Control of the Co	As billed	ADEQ					
/	Wastewa	ter						
TBD								
ertiforen afrifat felde en en men en e	Waste							
Inspection of Hazardous Waste Storage Areas		At least weekly	File					
Hazardous Waste Monitoring and Inspection Fee		January 1	ADEQ					
Annual Hazardous Waste Generator Report		March 1	ADEQ					
The Remedial Action Trust Fund Fee (Superfund Fee)		July 1	ADEQ					
Annual Waste Management Training		December 31	File					
	Community Right	t-to-Know						
Hazardous Chemical Inventory Report (312)		March 1	SERC, Local Fire Departments, LEPC					
Toxic Release Inventory Report (313)	,	July 1	ADEQ and US EPA					
Toxic Release Inventory Report Fee		July 1	ADEQ					

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Page 1 of 3

Revision: 0 Issue Date: 2/11/08

Annual EHS&S Requirements Norphlet Plant

Requirement	Responsible Person	Complete by	Submit to
The same person and the later than the conjugate of the same and the s	Air	Marie of the first	and the property of the state o
Daily recording of operating parameters	All	At least once every 12 hours	File
Monthly records of HF, TCE and natural gas usage		Monthly	File
Annual Emissions Inventory		March 30	File
	TSCA		and processing the state of the
TSCA IUR Production & Site Report		Every 4 years (2010, 2014, etc.)	US EPA
A THE RESIDENCE OF THE PROPERTY OF THE PROPERT	Compliance A	udits	
Annual Environmental Compliance Audit		December 31	File
	Emergency Res	sponse	
Annual Review of Emergency Response Plan		December 31	File
Annual Training	na namen and a state of the sta	December 31	File
	Transportat	ion	
DOT – Annual Registration		June 30	DOT
DOT – Tri-Annual Training		10/06	File
Security Plan Review		December 31	File
- The second and the second se	OSHA	ng katangga Magagang Pinta Salat (1884 ng 35 1984) na ayan <u>ng ng pytamang ng Magaban</u>	- graden anna dell'illino di la l'alla (l'alla anna anna anna anna la la falla (l'alla anna anna
OSHA 300 Log		February 1	Post/File
Annual MSDS Review		March 1	File, Distribution
Lockout/Tagout – Annual Program Review and Certification		December 31	File
Confined Space - Annual Review		December 31	File
PPE - Annual Review		December 31	File

EHS-001

Page 2 of 3

Revision: 0 Issue Date: 2/11/08

Annual EHS&S Requirements Norphlet Plant

Requirement	Responsible Person	Complete by	Submit to
Respiratory Protection – Annual Review		December 31	File
Fire Prevention Annual Review		December 31	File
Bloodborne Pathogens – Annual Review		December 31	File
Laboratory Safety – Annual Review		December 31	File
Training Plan for Following Year		December 31	File
Fire Prevention – Annual Training		December 31	File
First Aid/CPR – Bi- Annual Training	The state of the s	December 31 of even numbered years	File
Respiratory Protection – Annual Training & Fit Testing	And a manual parties of the second parties o	December 31	File
Forklift – Reevaluation (at least every 3 years)			File
Periodic Safety Compliance Reviews			File
Annual Safety Compliance Audit	3 rd Party	The state of the s	File
Periodic safety Inspections of various equipment and systems		Refer to "Periodic Safety Inspection Summary"	File ,

EHS-001

Page 3 of 3

Revision: 0 Issue Date: 2/11/08



RCRA SUBTITLE C SITE IDENTIFICATION

Arkansas Department of Environmental Quality

Hazardous Waste Division

5301 Northshore Dr.

North Little Rock, AR 72118-5317

Phone: (501) 682-0833



SECTION AND ADMINISTRATION OF PERSONS AND ADMINISTRATION OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PERSONS AND ADMINISTRATION OF	The state of the s	Water works The Control of the Co	SEATS OF PERSONS AND PROPERTY.	Commenter of the	ACTION OF THE PROPERTY OF THE		
	AFIN #: PEF	·					
	MEDIA: HAZARDOUS, SUP	ELDS,					
	ENFORCEMENT, COMP	LIANCE, PER	MITTIMS	iG .			
FOR STATE USE ONLY	DATE:	The state of the s		an and an	EPA ID Assigned:		
1. Installation EPA ID Number	 ☐ To provide initial notification (to obtain an EPA ID Number for hazardous waste, universal waste, or used oil activities). ☐ To provide subsequent notification (to update site identification information (Complete EPA #) ☐ As a component of a First RCRA Hazardous Waste Pan A Permit Application. ☐ As a component of a Revised RCRA Hazardous Waste Part A Permit Application X As a component of the Hazardous Waste Annual Report. 						
Site EPA ID Number (see instructions on page 6)	EPA ID Number: ARD001794445						
3. Site Name	Name: Norphlet Chemical, Inc.						
	Street Address: 600 MacMillan Drive						
4. Site Location Information	City, Town or Village: Norphiel	- M // A A A A A A A A A A A A A A A A A			State: AR		
(See Instructions on page 7)	County Name: Union				Zip Code: 71759		
	Latitude:	Latitude: Longitude					
Site Land Type (see instructions on page 7)	Site Land Type: X Private Cou	nty Distric	ı DF	ederal 🔲 li	ndian Municipal State Other		
6. North American Industry Classification System (NAICS)	А. 32512 В.						
Code(s) for the Site (see instructions on page 7)	c.		. D.				
	Street or P. O. Box: P. O. Box 100				The state of the s		
7. Site Mailing Address (see instructions on Page 7)	City, Town or Village: Norphiet			St	State: AR		
	Country: USA			Zij	Code: 71759		
8. Site Contact Person	First Name: Victor	MI: R	Last	Name: Fort	6		
(See instructions on page 8)	Phone Number: (870) 546-2253		Ext.	Er	nail: vrforte@norphletchem.com		
9. Operator and Legal Owner of the Site	A. Name of Site's Operator: Norphiat Chemical		Date Became Operator (mm/dd/yyyy) 02/01/2005				
(see instructions on page 8 & 9)	Operator Type: Private County District Federat Indian Municipal State B. Name and Address of Site-s Legal Owner: Date Became Owner (mm/dd/yyy Norphlet Chemical, Inc.						
	Owner Type: Private County	District	Fede	al 🔲 India	n Municipal State Other		
20.1 15 9200 12 (4 D.10 02D)							

	EPA ID NUMBER ARD001794445
10. Type of Regulated Waste Activity	
Mark "Yes" or "No" for all activities: complete any additional boxes as	s instructed. (See instructions on pages 9 - 12)
A. HAZARDOUS WASTE ACTIVITIES (Complete all parts for 1 through 6	
Y⊠ N☐ 1. GENERATOR OF HAZARDOUS WASTE	Y N ≥ 2. TRANSPORTER OF HAZARDOUS WASTE
If "Yes," choose only one of the following a, b, c, d, or e.	Transportation Operations
a, b, c, d, b) e.	For own waste only
(2,200 lbs/month) a. LQG Greater than 1,000 kg/month (2,200 lbs/month) of non-acute hazardous waste; or	For commercial purposes Transfer Facility
b. SQG 100 to 1,000 kg/month (220 - 2,200 lbs/month) of non-acute hazardous waste; or	Y N 3. HAZARDOUS WASTE TREATMENT/STORAGE/ DISPOSAL STATUS (On-Site Treatment, Storage, or Disposal subject to
c CESQG Less than 100 kg/month (220 lbs/month) of non-acute hazardous waste.	RCRA permitting) Non-Commercial TSD Unit(s)-Own Waste(s) Only
d. NGN No Hazardous Waste Generated	Commercial TSD Unit(s)-Accepts Waste from Off-site
(FACILITY OPERATING) e. CLO No Hazardous Waste Generaled (FACILITY CLOSED)	Y N № 4. RECYCLER OF HAZARDOUS WASTE (at your site) Note: A hazardous waste permit may be required for this activity.
Date of Closure:	
Y☐ N⊠ f. United States Importer of Hazardous Waste Y☐ N☒ g. Mixed Waste (hazardous and radioactive.) Generator Y☐ N☒ h. Provisional Generator Only	Y N⊠5. EXEMPT BOILER AND/OR INDUSTRIAL FURNANCE Smelling, Melting, and Refining Furnace Exemption Small Quantity On-Site Burner Exemption
(One-Time event such as spill cleanup, etc. Include description in Comments Section below. Also include appropriate generator status above)	Y N 6. UNDERGROUND INJECTION CONTROL
B. UNIVERSAL WASTE ACTIVITIES	C. USED OIL ACTIVITIES (MARK ALL BOXES THAT APPLY)
Y N 1. LARGE QUANTITY HANDLER OF UNIVERSAL WASTE (REFER TO REG., NO. 23 TO DETERMINE WHAT IS REGULATED). INDICATE TYPES OF UNIVERSAL WASTE GENERATED AND/OR ACCUMULATED AT YOUR SITE. (If "Yes," mark all boxes that apply):	Y N 1. Used Oil Transporter If "Yes," mark each that applies a Used Oil Transporter b. Used Oil Transfer Facility c. Transporter AND Transfer Facility
Managed	APPER Lawrence
a. Batteries b. Pesticides c. Mercury Containing Equipment d. Lamps	Y N 2. USED OIL PROCESSOR AND/OR RE-REFINER If "Yes," mark each that applies a. Processor b. Re-refiner
e. Other (specify)	Y N ⊠3. OFF-SPECIFICATION USED OIL BURNER
f. Other (specify) g. Other (specify)	Y N 4. USED OIL FUEL MARKETER If "Yes," mark each that applies.
Y N 2. Destination Facility for Universal Waste NOTE: A hazardous waste permit may be required for this activity.	a. Marketer Who Directs Shipment of Off-Specification Used Oil to Off-Specification Used Oil Burner b. Marketer Who First Claims the Used Oil Meets the Specifications

EPA Form 8700-12 (AR-10-07R)

					EPA ID N	UMBER	ARD	01794445	
11. Description of Regular	led Wastes	(page 12)							
Waste Codes for Regulated Hazardous Wastes. Please list the waste codes of the hazardous wastes handled at your site. List them in the order they are presented in the regulations (e.g. D001, D003, F007, U112). Use an additional page if more spaces are									
needed. The list of was	re presented te codes can	i in me reguia i he found on	nons (¢. nage 39	g, Door, Do	15, 1007, W Vn 73 8820	11 <i>2).</i> Use ar 11.31 - 261.3	1 8000000861 } 13.)	age ii more	aprices in c
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12. Comments (see instructions on page 13).									
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13. 2007 Waste Generation	Totals (see	instructions	on pag	e 13).	1 14				Andreas de la company de la co
Total Amount of Waste		mount of		unt of Waste	34.41	nagement od Code for	,	al Amount c	of Waste Site Sources
Generated in 2007 (pounds)		nipped Off- Treated On-Site in 2007 (pounds)		Waste	Received			in <b>ds</b> )	
					Sit	e in 2007			
NA		_					ļ		
14. CERTIFICATION. 1 c supervision in accordance submitted. Base on my gathering the information aware that there are sign knowing violations. (See	e with a systinguiry of the informal of the in	stem designed ne person or p nation submitt Ities for subm	to assurces one versions versions to the contraction of the contractio	re that qualif who manage t the best of m	ied personne he system o y knowledg	el properly g or those perso se and belief	gather and events directly true accurate	aluate the ir responsible e and compl	formation for etc. I am
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11. Desci	ription of Regi	rlated Wastes	, Continued	<del></del>		<del></del>	- ₁	T	·
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EPA Form 8700-12(AR-10-07R)

Invoice No.

## Felton Environmental Services, Inc.

679 Whippoorwill Road Story, AR 71970

# INVOICE

Customer				Photograph to the Control of the Con	Misc	
Name Address City Phone	Norphlet Chemical Inc P. O. Box 100 Norphlet	State AR	ZIP 71759		Date Order No Rep FOB	8/5/2008
City		Description			Unit Price	TOTAL.
1	Professional Consulting F	ees			\$ 4,550.00	\$ 4,550 00
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	Check		<del>18.11.41.01</del> .01	Tax Rate(s)	SubTotal Shipping	\$ 4,550 00
Comments			•		TOTAL [	\$ 4,550.00
				Maria I Inc.	Chale	

July 2008

We appreciate your business!

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### Felton Environmental Services, Inc.

679 Whippoorwill Road Story, AR 71970

Invoice No.

# INVOICE

Customer	)				***************************************	.5
Name Address City Phone	Norphiet Chemical Inc. P. O. Box 100 Norphiet	State AR	ZIP 71759	,	Date Order No. Rep FOB	9/2/2008
Qty		Description			Unit Price	TOTAL
\$	Professional Consulting Fee	·s			\$ 2,850.00	\$ 2,850 00
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	Check	Millionia in the control of the Millionia account of the Millionia ac		.Tax Rate(s)	SubTotal Shipping	\$ 2.850.00
Comments		,			TOTAL	\$ 2,850.00
				Office Use	Only	

August 2008

We appreciate your business!

Felton Environmental Services, Inc.

679 Whippoorwill Road Story, AR 71970

Invoice No.

INVOICE

Customer Misc Norphlet Chemical Inc. P. O. Box 100 10/1/2008 Name Date Order No Address ZIP 71759 City Norphlet State AR Rep FOB Phone Description Unit Price TOTAL Qly \$ 3 450 00 S 3,450.00 Professional Consulting Lees

> SubTotal \$ 3.450.00 Shipping

Tax Rate(s)

TOTAL S

3,450 00

Office Use Only

September 2008

We appreciate your business!

Check

Comments